



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Wang et al.

Application No. 10/758,621

Art Unit: 1621

Filed: Jan. 14, 2004

Examiner: J. Parsa

For: CARBON NANOTUB-
CONTIANING CATALYSTS,
METHODS OF MAKING AND
REACTIONS CATALYZED
OVER NANOTUBE
CATALYSTS

Atty Docket: 12860B-CON

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement, Applicants submit the following Remarks.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary, then such extensions of time are hereby petitioned under 37 CFR § 1.136(a); and any fees required for consideration of this paper and any papers associated with it (including fees for net addition of claims) are hereby authorized to be charged to Deposit Account No. 50-1749.

RESPONSE

In response to the Restriction Requirement, Applicants elect group II claims 4, 9-11, 20 and 21, with traverse with respect to group I. The product is claimed as a catalyst. The process claims require the use of the catalyst. For example, claim 2 recites a catalyst and claim 4 recites a general process of using that catalyst. Applicants agree with the Examiner that the engineered catalyst can be used in an exothermic reaction such as the oxidation of hydrocarbons. However, an exothermic reaction is not a materially different process - to the contrary, it is within the scope of the claims such as process claim 4. The process claims recite any catalytic use of the claimed catalyst. Thus, the product as claimed cannot be used in a materially different process; and the restriction of groups I and II should be withdrawn.

If the Examiner has any questions or would like to speak to Applicants' representative, the Examiner is encouraged to call Applicants' attorney at the number provided below.

Respectfully submitted,

Date: 6 Oct 2004

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